

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE CONCURRENT RESOLUTION 2004

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVIII, SECTION 8, CONSTITUTION OF ARIZONA; RELATING TO WORKERS' COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article XVIII, section 8, Constitution of Arizona, is proposed to
4 be amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 8. Workers' compensation law

7 Section 8. A. The legislature shall enact a ~~workmen's~~
8 ~~WORKERS'~~ compensation law applicable to ~~workmen~~ WORKERS engaged
9 in manual or mechanical labor in all public employment whether
10 of the state, or any political subdivision or municipality
11 thereof as may be defined by law, and in ~~such~~ ALL private
12 employments as the legislature may prescribe by which
13 compensation shall be required to be paid to any such ~~workman~~
14 WORKER, in case of ~~his~~ THE WORKER'S injury and to ~~his~~ THE
15 WORKER'S dependents, as defined by law, in case of ~~his~~ THE
16 WORKER'S death, by ~~his~~ THE WORKER'S employer, if in the course
17 of such employment personal injury to or death of any such ~~workman~~
18 WORKER from any accident arising out of and in the
19 course of, such employment, is caused in whole, or in part,
20 or is contributed to, by a necessary risk or danger of such
21 employment, or a necessary risk or danger inherent in the nature
22 thereof, or by failure of such employer, or any of ~~his or its~~
23 THE EMPLOYER'S agents or ~~employee or~~ employees to exercise due
24 care, or to comply with any law affecting such employment.
25 ~~, provided that~~ HOWEVER, IN ORDER TO PRESERVE AND PROTECT THE
26 SAFETY OF WORKERS, WORKPLACES AND THE PUBLIC, THE LEGISLATURE
27 MAY ENACT LAWS THAT DENY OR LIMIT COMPENSATION FOR AN INJURY TO
28 A WORKER WHOSE USE OF ALCOHOL OR UNLAWFUL USE OF A CONTROLLED
29 SUBSTANCE WAS A SUBSTANTIAL CONTRIBUTING CAUSE, AS DEFINED BY
30 LAW, OF THE EMPLOYEE'S INJURY.

31 B. It shall be optional with any employee engaged in any
32 such private employment to settle for such compensation, or to
33 retain the right to sue ~~said~~ THE employer or any person employed
34 by ~~said~~ THE employer, acting in the scope of ~~his~~ THE PERSON'S
35 employment, as provided by this constitution. ~~+ and, provided~~
36 ~~further,~~ In order to assure and make certain a just and humane
37 compensation law in the state of Arizona, for the relief and
38 protection of such ~~workmen, their~~ WORKERS OR THE WORKERS'
39 widows, children or dependents, as defined by law, from the
40 burdensome, expensive and litigious remedies for injuries to or
41 death of such ~~workmen~~ WORKERS, now existing in the state of
42 Arizona, and producing uncertain and unequal compensation
43 therefor, such employee, engaged in such private employment, may
44 exercise the option to settle for compensation by failing to
45 reject the provisions of such ~~workmen's~~ WORKERS' compensation

1 law prior to the injury, except that if the injury is the result
2 of an act done by the employer or a person employed by the
3 employer knowingly and purposely with the direct object of
4 injuring another, and the act indicates a wilful disregard of
5 the life, limb or bodily safety of employees, then such employee
6 ~~may~~, after the injury, ~~MAY~~ exercise the option to accept
7 compensation or to retain the right to sue the person who
8 injured ~~him~~ THE EMPLOYEE.

9 C. The percentages and amounts of compensation provided
10 in house bill no. 227 enacted by the seventh legislature of the
11 state of Arizona,~~—~~ shall never be reduced nor any industry
12 included within the provision of ~~said~~ THAT house bill no. 227
13 eliminated except by initiated or referred measure as provided
14 by this constitution.

15 2. The Secretary of State shall submit this proposition to the voters
16 at the next general election as provided by article XXI, Constitution of
17 Arizona.